

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

Carl Thomas Larsen,

Plaintiff

v.

High Desert State Prison, et al.,

Defendants

Case No. 2:25-cv-00020-CDS-NJK

## Dismissal Order

Pro se plaintiff Carl Thomas Larsen brings this civil-rights action under 42 U.S.C. § 1983 to redress constitutional violations that he claims he suffered while incarcerated. ECF No. 1-1. On January 8, 2025, this court ordered Larsen to file a fully complete application to proceed *in forma pauperis* or pay the full \$405 filing fee on or before March 10, 2025. ECF No. 3. The court warned Larsen that the action could be dismissed if he failed to file a fully complete application to proceed *in forma pauperis* with all three documents or pay the full \$405 filing fee for a civil action by that deadline. *Id.* at 2. That deadline expired and Larsen did not file a fully complete application to proceed *in forma pauperis*, pay the full \$405 filing fee, or otherwise respond.

**I. Discussion**

District courts have the inherent power to control their dockets and “[i]n the exercise of that power, they may impose sanctions including, where appropriate . . . dismissal” of a case. *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action based on a party’s failure to obey a court order or comply with local rules. *See Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (affirming dismissal for failure to comply with local rule requiring pro se plaintiffs to keep court apprised of address); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with court order). In determining whether to dismiss an action on one of these grounds, the court must consider: (1) the public’s interest in expeditious resolution of litigation; (2) the court’s need to manage its docket; (3) the risk of

1 prejudice to the defendants; (4) the public policy favoring disposition of cases on their merits; and  
2 (5) the availability of less drastic alternatives. *See In re Phenylpropanolamine Prod. Liab. Litig.*, 460 F.3d  
3 1217, 1226 (9th Cir. 2006) (quoting *Malone*, 833 F.2d at 130).

4 The first two factors, the public's interest in expeditiously resolving this litigation and the  
5 court's interest in managing its docket, weigh in favor of dismissal of Larsen's claims. The third  
6 factor, risk of prejudice to defendants, also weighs in favor of dismissal because a presumption of  
7 injury arises from the occurrence of unreasonable delay in filing a pleading ordered by the court or  
8 prosecuting an action. *See Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976). The fourth factor—  
9 the public policy favoring disposition of cases on their merits—is greatly outweighed by the factors  
10 favoring dismissal.

11 The fifth factor requires me to consider whether less drastic alternatives can be used to  
12 correct the party's failure that brought about the need to consider dismissal. *See Yourish v. Cal.*  
13 *Amplifier*, 191 F.3d 983, 992 (9th Cir. 1999) (explaining that considering less drastic alternatives  
14 *before* the party has disobeyed a court order does not satisfy this factor); *accord Pagtalunan v. Galaza*,  
15 291 F.3d 639, 643 & n.4 (9th Cir. 2002). Courts "need not exhaust every sanction short of dismissal  
16 before finally dismissing a case, but must explore possible and meaningful alternatives." *Henderson v.*  
17 *Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986). Because this court cannot operate without collecting  
18 reasonable fees, and litigation cannot progress without a plaintiff's compliance with court orders,  
19 the only alternative is to enter a second order setting another deadline. But issuing a second order  
20 will only delay the inevitable and further squander the court's finite resources. Setting another  
21 deadline is not a meaningful alternative given these circumstances. So the fifth factor favors  
22 dismissal. Having thoroughly considered these dismissal factors, I find that they weigh in favor of  
23 dismissal.

## 24 **II. Conclusion**

25 It is therefore ordered that this action is dismissed without prejudice based on Larsen's  
26 failure to file a fully complete application to proceed *in forma pauperis* or pay the full \$405 filing fee in  
27 compliance with this court's January 8, 2025, order. No other documents may be filed in this now-  
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1 closed case. If Larsen wishes to pursue his claims, he must file a complaint in a new case and either  
2 pay the required filing fee or properly apply for *in forma pauperis* status.

3 The Clerk of Court is directed to enter judgment accordingly and to close this case.

4 Dated: March 27, 2025

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7 Cristina D. Silva  
8 United States District Judge  
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